IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TENNESSEE WESTERN DIVISION

UNITED STATES OF AMERICA,)	
Plaintiff,) Criminal No.	13-20135
vs.)	
NADIA CAVNER,)	
Defendant.)	
	<u>)</u>	

PLEA AGREEMENT

The full and complete plea is as follows:

The following constitutes the Plea Agreement reached between the United States, represented by EDWARD L. STANTON III, United States Attorney for the Western District of Tennessee, and BRIAN COLEMAN, Assistant United States Attorney, and the defendant, NADIA CAVNER, represented by LEE GERALD, defense counsel.

- 1. NADIA CAVNER agrees that she will enter a voluntary plea of guilty to count ONE of the information which alleges a violation of 18 U.S.C. § 2261(A)(1) (Interstate Stalking). NADIA CAVNER agrees that she is pleading guilty because she is in fact guilty of the conduct contained in that count.
- 2. Pursuant to Fed. R. Crim. P. 11(c)(1)(C), the parties agree to recommend that NADIA CAVNER be sentenced to an undetermined amount of probation, that probation is a reasonable and appropriate sentence under the applicable advisory sentencing guidelines and the factors set forth in 18 U.S.C. § 3553.

- 3. NADIA CAVNER acknowledges that she has been advised of and does fully understand the following:
 - a. The nature of the charges and the maximum possible penalties provided by law;
 - b. That she has the right to be tried by a jury, and at that trial she has the right to the assistance of counsel, the right to confront and cross-examine witnesses against her, and the right not to be compelled to incriminate herself; and,
 - c. That if she pleads guilty, there will not be a trial of any kind, so that by pleading guilty, she waives the right to a trial.
- 4. NADIA CAVNER understands that any attempt by her to withdraw her plea of guilty will be considered a breach of this plea agreement, and upon such breach the United States will be relieved of all obligations and restrictions imposed by the terms of this agreement.
- 5. NADIA CAVNER understands that any statement made in the course of the plea colloquy may be used against her in any criminal prosecution. As such, NADIA CAVNER knowingly, intelligently and voluntarily waives any objection based on Federal Rule of Evidence 410. This waiver does not apply if the plea recommendation made pursuant to Federal Rule of Criminal Procedure 11(c)(1)(C) is rejected by the court.
- 6. NADIA CAVNER understands that 18 U.S.C. § 3742 gives her the right to appeal the sentence imposed by the Court. Acknowledging this, NADIA CAVNER knowingly and voluntarily waives her right to appeal any sentence imposed by the Court and the manner in which the sentence is determined so long as a sentence of probation is imposed by the court, as reflected in the 11(c)(1)(C) agreement. This waiver is made in exchange for the concessions made by the United States in this plea agreement.

The waiver in this paragraph does not apply to claims relating to prosecutorial misconduct and ineffective assistance of counsel.

- 7. NADIA CAVNER understands and agrees that a \$100 special assessment is due and payable to the United States District Court Clerk's office immediately following her sentencing.
- 8. NADIA CAVNER agrees that this plea agreement constitutes the entire agreement between herself and the United States and that no threats have been made to induce her to plead guilty. By signing this document, NADIA CAVNER acknowledges that she has read this agreement, has discussed it with her attorney and understands it. Finally, NADIA CAVNER acknowledges that she is satisfied with her attorney's representation.

FOR THE UNITED STATES:

EDWARD L. STANTON, III UNITED STATES ATTORNEY

BATAN COLEMAN

Assistant United States Attorney

800 Federal Office Building

167 N. Main Street
Manathia, TN 38103

LEE GERALD

Defense Counsel

NADIA CAVNER

Defendant

4/12/2013

Date

4-12-2013

Date

4-12-2013

Date